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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,120	03/22/2002	Frederick Douglass	112631 CIP	5936

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EXAMINER

BATURAY, ALICIA

ART UNIT PAPER NUMBER

2155

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,120

Applicant(s)

DOUGLIS ET AL.

Examiner

Alicia Baturay

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01202005</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is in response to the amendment filed 19 December 2005.
2. Claims 1 and 8 were amended.
3. Claims 1-14 are pending in this Office Action.

***Response to Amendment***

4. The objection to claims 1 and 8 regarding minor informalities was addressed and is withdrawn.
5. The rejection is respectfully maintained as set forth in the last Office Action mailed on 29 September 2005. Applicant's arguments with respect to claims 1-14 have been fully considered but they are not persuasive and the old rejection maintained.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Donohue et al. (U.S. 5,987,480)

8. With respect to claim 1, Donohue teaches a method of operating a browser application with a connection to a data network comprising:

Responsive to a request from a browser, providing to the browser a wrapper document comprising a scripting program, the scripting program executable by the browser to (Donohue, Fig. 1, element 14; col. 10, lines 31-39): retrieve a template comprising one or more inclusion markups (Donohue, Fig. 3B, element 56; col. 10, lines 49-51); parse the template for the inclusion markups (Donohue, Fig. 3B, element 58; col. 10, lines 51-59); retrieve from a server connected to the data network an included data object identified in an inclusion markup (Donohue, Fig. 3B, element 62; col. 10, lines 60-65) and; display the template and the included data objects to the user (Donohue, Fig. 3C, element 82; col. 11, lines 16-18).

9. With respect to claim 2, Donohue teaches the invention described in claim 1, including where the template is retrieved from a cache (Donohue, col. 10, lines 49-51).
10. With respect to claim 3, Donohue teaches the invention described in claim 1, including where the inclusion markup identifying the included data object also identifies at least one alternative source for the included data object (Donohue, col. 7, lines 34-43).
11. Claims 8-10 do not teach or define any new limitations above claims 1-3 and therefore are rejected for similar reasons.

*Claim Rejections - 35 USC § 103*

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue and further in view of Wood et al. ("Document Object Model (DOM) Level 1 Specification.").

Donohue teaches the invention substantially as claimed including a system and method for delivering documents having dynamic content embedded over the Internet. Document templates are created by embedding dynamic tags and flow directives in markup language documents, the dynamic tags and flow directives containing one or more names of content stored in the data source. The server computer populates the document template with content stored in the data source based on respective values of content corresponding to names in the dynamic tags and flow directives and delivers the populated document to the client computer (Donohue, see Abstract).

14. With respect to claim 4, Donohue teaches the invention described in claim 1, including assembling the template and the included data objects to create a data page that can be displayed to the user (Donohue, Fig. 3C, element 82; col. 11, lines 16-18).

Donohue does not explicitly teach the use of XML.

However, Wood teaches the invention including where the template and the data objects are expressed in XML (Wood, "What is the Document Object Model?," "Introduction" page 1, paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donohue in view of Wood in order to enable the use of XML. One would be motivated to do so in order to make use of a well-known structured language that presents data as documents.

15. With respect to claim 5, Donohue teaches the invention described in claim 1, including where assembling the template and the included data objects to create a data page that can be displayed to the user (Donohue, Fig. 3C, element 82; col. 11, lines 16-18).

Donohue does not explicitly teach the use of document object model trees.

However, Wood teaches the invention including a document object model tree ("What is the Document Object Model?," "What the Document Object Model is," page 2 "In the DOM, documents have a logical structure which is very much like a tree.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donohue in view of Wood in order to enable the use of document object model trees. One would be motivated to do so in order to make use of an API that defines the logical structure of documents and the way a document is accessed and manipulated.

16. With respect to claim 6, Donohue teaches the invention described in claim 5, including retrieving from a server connected to the data network an included data object identified in an inclusion markup (Donohue, Fig. 3B, element 62; col. 10, lines 60-65).

Donohue does not explicitly teach the use of document object model trees.

However, Wood teaches the invention including a document object model tree (“What is the Document Object Model?,” “What the Document Object Model is,” page 2 “In the DOM, documents have a logical structure which is very much like a tree.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donohue in view of Wood in order to enable the use of document object model trees. One would be motivated to do so in order to make use of an API that defines the logical structure of documents and the way a document is accessed and manipulated.

17. Claims 11-13 do not teach or define any new limitations above claims 4-6 and therefore are rejected for similar reasons.

18. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue and further in view of Tsimelzon et al. (“ESI Language Specification 1.0”).

Donohue teaches the invention substantially as claimed including a system and method for delivering documents having dynamic content embedded over the Internet. Document templates are created by embedding dynamic tags and flow directives in markup language

documents, the dynamic tags and flow directives containing one or more names of content stored in the data source. The server computer populates the document template with content stored in the data source based on respective values of content corresponding to names in the dynamic tags and flow directives and delivers the populated document to the client computer (Donohue, see Abstract).

19. With respect to claim 7, Donohue teaches the invention described in claim 1, including retrieving from a server connected to the data network an included data object identified in an inclusion markup (Donohue, Fig. 3B, element 62; col. 10, lines 60-65).

Donohue does not teach the use of an ESI inclusion statement.

However, Tsimelzon teaches the inclusion markups expressed using ESI (Tsimelzon, page 5, "3.1 Include.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donohue in view of Tsimelzon in order to enable the use of ESI inclusion statements. One would be motivated to do so in order to allow for dynamic content assembly at an end-user's browser.

20. Claim 14 does not teach or define any new limitations above claim 7 and therefore is rejected for similar reasons.



***Response to Arguments***

21. Applicant's arguments filed 19 December 2005 have been fully considered, but they are not persuasive for the reasons set forth below.
22. ***Applicant Argues:*** Applicant states "Claims 1-14 are allowable because none of the references of record alone or in combination disclose or suggest 'responsive to a request from a browser, providing to said browser a wrapper document comprising a scripting program, said scripting program executable by said browser to: retrieve a template comprising one or more inclusion markups; parse the template for the inclusion markups; retrieve from a server connected to the data network an included data object identified in an inclusion markup; and display the included data objects to the user.'"

***In Response:*** The examiner respectfully submits that Donohue teaches a browser application with a connection to a data network comprising: Responsive to a request from a browser (web server receives a URL request for a document), providing to the browser a wrapper document comprising a scripting program, the scripting program executable by the browser to (the script also selects a template based at least in part on the document requested in the URL – see Donohue, Fig. 1, element 14; col. 10, lines 31-39): retrieve a template comprising one or more inclusion markups (the contents of the selected template are retrieved – see Donohue, Fig. 3B, element 56; col. 10, lines 49-51); parse the template for the inclusion markups (the template parsing function then reads content of the template to locate the "@" control symbols and identifies the character string surrounded by the control

symbols as a dynamic tag – see Donohue, Fig. 3B, element 58; col. 10, lines 51-59); retrieve from a server connected to the data network an included data object identified in an inclusion markup (for a dynamic tag, the template parser calls the appropriate library function to retrieve the value corresponding to the name in the tag from the container and replace the dynamic tag with the value retrieved from the container – see Donohue, Fig. 3B, element 62; col. 10, lines 60-65) and; display the template and the included data objects to the user (if the end of the template is reached, the template has been completely populated and is delivered to the user – see Donohue, Fig. 3C, element 82; col. 11, lines 16-18). This renders the rejection proper, and thus rejection stands.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

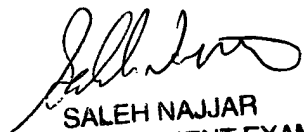
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
February 22, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER